

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRENDA EALEY,

Plaintiff,

v.

Case No. 13-10723

BENJIGATES ESTATES, LLC, et al.

HON. TERRENCE G. BERG

HON. MONA K. MAJZOUN

Defendant.

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**ORDER REQUIRING PLAINTIFF  
TO SUPPLEMENT HER MOTION FOR RECONSIDERATION**

Before the Court is Plaintiff's December 23, 2013 motion for reconsideration (Dkt. 25) of the Court's December 9, 2013 order dismissing the complaint for failure to state a claim upon which relief can be granted.

In the December 9, 2013 order (Dkt. 23), the Court dismissed Plaintiff's federal claims, Counts II and VII, with prejudice, and dismissed her state law claims without prejudice. Plaintiff's motion for reconsideration asks the Court to modify the order such that her federal claims are dismissed without prejudice, rather than with prejudice.

The Court dismissed the federal claims with prejudice because it appears that Plaintiff cannot save those claims by amending her complaint. Plaintiff, in her motion for reconsideration, asserts that she can amend her complaint and revive those claims, but she does not explain what she would allege that would revive her claims and make it such that her amendment was not futile.

For this reason, the Court ORDERS Plaintiff to file, as a supplement to her motion for reconsideration, an amended complaint and a memorandum explaining how the amendment resolves the pleading deficiencies as to her federal claims, Counts II and VII. The Court FURTHER ORDERS that Plaintiff's amended complaint and explanatory memorandum must be filed by August 5, 2014. The Court FURTHER ORDERS that Defendants should not and need not respond unless and until directed by the Court.

s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE

Dated: July 22, 2014

**Certificate of Service**

I hereby certify that this Order was electronically submitted on July 22, 2014, using the CM/ECF system, which will send notification to each party.

By: s/A. Chubb  
Case Manager